



City of Carmel

CARMEL PLAN COMMISSION SUBDIVISION COMMITTEE MINUTES

TUESDAY, MARCH 6, 2007

**LOCATION: CAUCUS ROOMS
CARMEL CITY HALL
ONE CIVIC SQUARE
CARMEL, IN 46032**

**TIME: 6:00 P.M.
DOORS OPEN AT 5:30 P.M.**

Those Present:

Representing the Committee

Rick Ripma, Chairperson
Jay Dorman
Carol Schlieff
Sally Shapiro
Absent: Brian Mayo

Representing the Department

Angie Conn

Of Counsel:

John Molitor

Rick Ripma, Chairman called the meeting to order at 6:00 p.m.

Mr. Ripma reviewed the Docket Items for the meeting.

- 1. Docket No. 06010005 Z: Shelborne Property PUD – CONT. TO MARCH 29**
The applicant seeks to rezone 20 acres from S1/Residential to PUD/Planned Unit Development for the purpose of developing single-family residences.
The site is located on the west side of Shelborne Road, north of 121st Street.
Filed by Charles Frankenberger of Nelson and Frankenberger for Indiana Land Development Co.

2. Docket No. 06050020 PP: Clay Creek – CONT. TO MARCH 29

The applicant seeks to plat 30 lots on 29.971 acres.

The site is located on Hoover Road north of 116th Street and is zoned S1.

The applicant seeks the following waivers for the proposed plat:

06050022 SW: SCO Chapter 6.05.07 Orientation of Home – request to allow dwellings to face internal street

06050023 SW: SCO Chapter 7.05.07 Clearing of greater than 15% of mature woodlands.

Filed by Charlie Frankenberger for MHE Development Co. LLC.

3. Docket Nos. 06110012 PUD/06110013 ADLS: Cobblestone Commons

The applicant seeks to create 24 detached single-family residences on 2.59 acres.

The site is located at 740-760 and 780 1st Avenue NW, and 121, 131, and 135 8th Street NW, and is zoned R2 Residential, pending approval to the PUD classification.

Filed by Jim Shinaver of Nelson & Frankenberger, for Uptown Partners, LLC.

Jim Shinaver began the presentation by identifying himself as an attorney with Nelson and Frankenberger, with offices here in Carmel. Jim introduced Justin one of the partners of Uptown Partners, LLC. Also at the meeting from Uptown Partners, is Justin Moffitt's partner, John Hefton. Tom Troeger is representing Highline Construction. Tom will be the builder for this community. Jim Shields is here representing Weihe Engineering.

Jim Shinaver reviewed information that had been provided to the Committee at the February 29, 2007 meeting. The Committee was given another summary of the project and the concept behind the project. Prior to discussing the project again to night, Justin, Tom and myself want to make a few brief additional comments and observations as it relates to this particular project. At the last Committee meeting some concern was expressed about the Old Town Overlay standards for this particular proposal, also as it related to the architectural elevations for our post product types. I would stress again, that Justin and John began developing the idea for this particular site quite some time ago, and during that initial process they worked closely with the staff, with Matt Griffin developing the design of the site and the overlay standards. In fact, as it relates to that particular issue, the staff report itself states and I quote "the initial review of materials indicate that the structures and PUD meet intent of the Old Town overlay in terms of use, design and materials". Justin will be speaking more to this issue in detail. Jim stresses we relied on the staff when we working originally on this project. It was our intent to meet the intent of this overlay and according to the staff report we had accomplished that. On the other hand we understand the concerns Committee members that perhaps it isn't so much that Uptown Partners does not meet the intent of the overlay, but that Committee members have concerns regarding the standards contained in the overlay. Discussed at the last meeting was the side yard set backs requirement of 6ft that is contained in the PUD ordinance, again some members of the committee expressed some concerns about that. Jim made the observations the R2 and the R3 zoning classification in Carmel Zoning Ordinance permits 5 ft yard set back and Chapter 7 of the Subdivision Control Ordinance permits a 6ft side yard set back. More specifically, Chapter 23

of the Zoning Ordinance which sets forth of all the standards and requirements of the Old Town overlay areas provides in Chapter 23, provides for the character sub-area that Uptown Partners is in side/rear yard set backs should be a minimum 5 ft from the property line. Consequently the reason I go through that is there is precedent and support for in both the zoning ordinance and subdivision control ordinance and the actual Old Town overlay standards. Finally reiterate the support this proposal has received from the surrounding neighbors – 49 letters of support with no remonstrance.

Tom Troeger: Gave an overview of his background. He has been a builder since 1984, starting out with Paul Estridge, and was involved with the building of Copperfield, Waterford, Walden Pond. Tom then became a family homebuilder and has worked in Foster Estates, Bayhill. He has been building town homes up in South Bend and a few projects down in the south. Tom distributed an article from Builder Magazine, which covers the current trend in high-density building. Tom reviewed some parts of the article he had highlighted for the Committee. We are creating that exact type of product - we are giving people a patio, etc., a sense of privacy. It is consistent with what is going on in the business right now. Tom also attached some pictures of what is going on around the country with the type of smaller home. Tom discussed the pictures and how it pertains to this area. Tom went to the visual to demonstrate how the elevations, which should demonstrate that these units would be consistent with what, are wanted in Carmel.

Building houses 10 ft apart, is a challenge but there are a few key components. To make them work you must set your finished floors exact. Drainage issues, rid roof water from downspouts from the corner, if you set a grade stake, etc.

Justin Moffitt introduced a written statement – this statement has been copied and inserted into the minutes.

March 6, 2007

Carmel Plan Commission: Subdivision Committee

Justin Moffett, Uptown Partners, LLC comments to committee:

In July of 2005 I contracted to buy four decaying rental properties along 1st Ave NW in Old Town. At that time I met with the city planning staff and discussed possible uses for the site. The staff heartily encouraged the redevelopment of that land. I approached the other property owners in that block (of the 7 homes, 6 were rentals) and they all agreed to sell their property.

In late 2005 and early 2006 I began working with design teams and the city staff to determine the best possible use for the site. Some encouraged me to pursue town homes others encouraged me to build condo flats. At no point was a density concern brought up by the planning staff.

In the spring and summer of 2006 it became quite evident to me that the city was tired of

seeing developers bring three story town home projects one after the other. My neighbors along 1st Ave NW had just spent months battling the Drees “Village Green” project to the west of Cobblestone Commons that was eventually approved. I even remember reading a quote from Leo Dierckman in the Star discouraging more town home projects.

So, on my own volition I started going door-to-door meeting with my neighbors to find out what they wanted. I invested countless hours trying to do “the right thing”. I heard one thing loud and clear, “no three story town homes”. They wanted single-family homes and they wanted to have an old town feel to the architecture.

Again, on my own volition, I responded to the neighbors’ requests and designed a development that conforms to the Old Town Overlay standards except for two variances and those are the minimum lot width and number of parking spaces.

I’ll try to be brief but I want to hit the highlights of how we comply with the overlay per ZO CH23D Old Town Overlay.

- 1) The buildings are oriented as suggested in section “A” of New Construction.
- 2) The setbacks requirements are met in section “B”.
- 3) As mentioned previously we do not comply with the lot width but there are other lots in the neighborhood of similar width to Cobblestone Commons.
- 4) The garages are designed as required in section “D”.
- 5) The base unit landscaping exceeds the minimum standards of the ordinance and the overall site landscape plan has met the satisfaction of Scott Brewer.
- 6) We do not meet the parking requirements of the ordinance per section “F” we are required 24 spaces and we have 19. However, we are offering the option of 3 car garages on 20 units.
- 7) We are using the required materials mentioned in section “G” except that I’ll add that the ordinance allows vinyl, which we’ll forgo for obvious reasons.
- 8) We’re using windows that are architecturally relevant to the Old Town look as suggested in section “H” of the ordinance.
- 9) The roofs are designed as required per section “I”.
Section “J” recommended covered porches but didn’t require them. We made sure every unit design came with a covered porch of some sort.
- 10) The building heights are all within the minimum and maximum heights required per section “K”. These units are designed to not tower over the homes to the south.

And that concludes the requirements of the ordinance. We have met or exceeded the requirements in every area except for the lot width and parking spaces.

I did not want another typical town home development so I set out to create a new and better product that met the design requirements of Old Town and then we added in some special features that the adjoining town home projects don’t offer such as the lushly landscaped promenade, the private patios, and the public garden area off the trail. Also, we’ve committed to resolving some drainage issues along 136th Street for the Department of Engineering.

After we worked hard at developing a product that we felt the Plan Commission would cheerfully receive. I went out again in November and December of 2006 to meet with neighbors and get their feedback on the project. I didn't hide from anybody and I knocked on every door. I'll admit that a couple of the neighbors told me they wished that the density was a little lower but they couldn't argue with the quality of the project and what you've seen so far is an out pouring of support from Old Town property owners. Fifty residents submitted support letters. I counted thirteen neighbors at the first Plan Commission hearing, of which seven spoken in favor of the project, yet no one voiced a negative remonstrance. Five residents were at our last subdivision committee meeting in support and no one voiced a negative remonstrance.

I say all this to let you know that I'm surprised, confused, and a little disappointed in the responses I've received from subdivision committee members towards this project. Cobblestone Commons is well planned, it fits the overlay to a "T", it's brought support not typically seen by this Plan Commission, and it has the support of the planning staff.

You say no more three-story town homes so we bring a single-family product that is far superior to town homes.

You say that the project is too dense. I believe that density in the core near the heart of Old Town is what will make it thrive again. Density is not problematic unless it is poorly planned. I believe Cobblestone Commons to be well-planned density.

You say that 1st Ave NW is special and needs to be treated as such. I say that the north end of 1st Ave *could be* special if Cobblestone Commons is approved, but right now the proposed site rests between town homes to the north and west, 11 CP Morgan homes to the south that don't conform in any way to the Old Town overlay, and decaying rental properties to the east.

I'd suggest that voting against this project is handicapping the redevelopment of Old Town. If approved, Cobblestone Commons will spur on additional investment and improvement of other homes in Old Town.

Tonight I'd encourage you to recognize the value this project brings to the neighborhood, the effort our team has invested in meeting the overlay requirements, and the concern we've shown for the opinions of the neighbors.

Justin Moffitt and Jim Shinaver distributed copies of Chapter 23: Old Town District Overlay Zone. They have highlighted the areas they feel they have met all requirements

Justin Moffitt reviewed some of the ordinance requirement and how Uptown Partners has met these.

i.e., protect real estate investment, increasing property value, retain the Old Town neighborhood

vitality.

In the Character Sub-Area and New Construction section. You will see that these standards have been met with exception of the Minimum lot width.

Carol Schleif: requested to know the lot coverage, and if it was 45%.

Justin replied; if you take our development lot coverage it is below 45%. Now in Old Town this is assuming there is not common area and park area and so if you take total sq. ft. of development site below.

Carol Schleif : if you remove your footprint off the site, what is percent.

Justin Mofitt: units are roughly 1560 sq. ft. apiece x 24 = 37,000 sq. ft. – 43,560 x 2.6 /37,000 is about 30%. I feel comfortable that we meet and don't exceed lot coverage.

Justin continued on through the requirements, indicating that Uptown Partners is in compliance with all requirements: a - k with the exception of c ii Minimum Lot Width.

It seems discussion will come down to lot width. In the year and half spent planning this project we have met or exceeded the requirements. Uptown Partners set out to develop something that was new and better, which would also meet the requirements of Old Town and added some special features to the project that the adjoining town homes did not offer and this includes the lushly landscaped promenade area between the center core or the units and the private units and the public garden area off the trail. It is hoped that this garden will become an amenity for all members of the community. Uptown Partners also committed to resolving some drain issues on 136th street per the Engineering Department. Justin had resolved to speak to each and every neighbor and he feels he has completed this – wanted to make sure the neighbors were in favor. A couple of neighbors have expressed concerns regarding density. However, we have primarily received an outpouring of support.

No negative remonstrance has been documented. Uptown Partners is surprised and confused and disappointed in the responses from the Sub Division Committee members, they really believe that Cobblestone Commons fits the overlay, and had the support of the planning staff.

Density if not problematic unless it is poorly planned and that is why we have gone to such lengths to plan Cobblestone Commons. Density in the core of Old Town is what is needed to help Old Town thrive. First Avenue NW could be special if approved.

It is the opinion of Uptown Partners that voting against this project is handicapping the re-development of Old Town.

We ask your support.

Jay Dorman of the lots there how many are under the 50ft width lot ?

Justin responded: 4 units are 29. ft. they front 136th street, 16 units in the core center are 36 ft, and 4 units on the south side of the property are 50 sq. ft.

Rick Ripma asked for the Department Report

Angie Conn - The Department Report is essentially the same as last time, however, the Department is asking if it is possible to introduce other types of units, for example, a mix of singles, doubles and attached units to create more green space and flexibility in the layout.

Justin Moffitt: we did meet with the planning staff after our last meeting with you we wanted to pursue other options and hear what they had to say. Carol mentioned the possibility of doing some doubles and what we came up with is that it decreased the green space. Every time we attached we added more concrete. Two issues made it unfeasible, more concrete would be added and Justin feels he has made a commitment to his neighbors for single-family homes.

Discussion was held regarding the feasibility of turning units, etc. It is not a viable option.

Angie Conn also stated that the Department recommends that this item be continued to the March 29th meeting.

A vote was not taken on this recommendation.

Carol Schleif: stated this is an overlay not a transition area. Overlays have definite boundaries and it really doesn't matter what is on the other side of it, in this case. Therefore, it is important that the development follow the overlay. The overlay clearly indicates a 50 ft. lot width. This would be a huge compromise should this pass.

- Discussion regarding the set back of neighboring homes. Justin indicated on a visual where the home was located. Carol is concerned that around 1st Ave NW it needs the average set back there needs to continue up and requested a drawing on 1st Avenue of the other homes along first avenue south. Some issues discussed were property height and the need to have more spacing between properties.
- Set back ordinance was reviewed
Carol Schleif requested a plat showing property lines so that the Committee could determine if the proper setback have been achieved.

Jim Shinaver: indicated that although it may appear that all ordinances are not adhered to, the Committee should keep in mind that all of these plans have been brought to the Planning Department, which did not find fault with these plans.

Carol Schleif: it is true that when you apply for a PUD you may ask for assistance on one or more of these ordinances. However, it is the responsibility of the Committee to review. You are asking the Committee to give a "bye". There are many things that this project does not meet, requirements in the underlying zoning and other regulations, it is not just the overlay.

Jim Shinaver: not typical of a PUD to have the characteristics you have described.

Carol Schleif: We have to decide if this project is so special it warrants disregarding some of the issues brought up.

Carol Schleif requested clarification on what is stone veneer equivalent. Justin responded it is cultured stone.

Carol Schleif: Questioned if there is anyway to increase the landscaping around. In the ordinance, if you decrease the parking availability you must increase the landscaping requirements. Carol indicated that soon full foundations plantings will be on the to do list of what we are going to want to see.

Justin Moffitt: believes that Uptown Partners has exceeded the requirement in the base unit plan.

Discussion was held regarding landscaping, i.e. foundation plantings, tree removal, tree types, plantings, etc. Carol indicated she felt strongly that there should be at least two trees between units. Jay indicated he could not see a way to incorporate this within the 5 ft. available. Justin indicated that Uptown Partners has worked closely with Scott Brewer, Urban Forester. Scott has agreed to the plan. Uptown Partners has planned with Scott which trees will be preserved, they will try and maintain as many trees as possible. Justin did indicated there will be trees on the border and the common area.

Discussion was held regarding the number of parking spaces available. Reviewed the location of spaces. Discussion of Code 27.07

There is a shortage of 5 spaces per code Code 27.07. A provision in the overlay ordinance indicates any parking requirements out there can be reduced by 50% in Old Town.

Calculations indicate they are short 5 spaces.

The Committee discussed with the petitioners if it would be possible to add more spaces. Justin indicated that the Common Area could possible be a spot to add 5 spaces but would eliminate a nicely landscaped area.

Carol Schleif: Reviewed building elevations: she feels the drawings are cookie cutter – West Clay photos show different styles

Looking at homes Old Town you rarely see same home.

The homes in this plan are basically same style. Also you need colors that are appropriate for the neighborhood, bright blue was never in an historical area. Carol stressed to Justin that you need to be more sensitive to historic landmarks

There has been much discussion about having windows all the way around to bring in light and air that is a basis for a lot of our zoning now. These units will be fairly dark.

Carol Schleif would like to have a full elevation of how the homes will look on the street. She feels it will show the closeness and lack of diversity. Please include a cross section between buildings so that the Committee can see the 10 foot divide.

The Committee discussed the possibility of basements. Carol would like to see basements, most \$300,000 homes have basements, most historical homes had basements. These homes have limited storage space. Discussion was held on the availability of storage space within the current plan and pros and cons of a basement. Jay Dorman indicated that if the developer wanted to offer a basement that would be fine. Some pros are that the units will sell faster in a resale, would keep with the historical setting where most homes had a basement. Cons were problems in the construction phase.

The Committee discussed footings –this will be left to the Building and Code department.

Carol Schlieff: requested to view floor plans. She has concerns about darkness of the units.

Jay Dorman: indicated that Carol had brought up some good points about color and sameness , however, the real problem is density. That the basic problem is the 50 ft. lot width and wonders if anything else can be done, i.e., mixed use.

Justin Moffitt responded that the neighbors of the project made the request for the single family units. Uptown Partners was trying to work in a collaborative way with the neighbors.

Jay Dorman asked the Committee, what do we want to represent to the Plan Commission. We have someone who is a solid citizen, has solid team around him with a solid project, but with 27% less of lot width – do we want this?

Justin Moffitt: Uptown Partners cannot do any more due to fact that Engineering is requiring us to meet certain requirements, we are unable to make any further changes.

Jim Shinaver: we have reviewed all possible avenues and this project is the only one that is logical for Uptown Partners.

The Committee discussed the viability of a vote at this time. A legal definition was sought from John Molitor on the possibility of a split vote. John indicated that following the split vote, a further motion would be made to send the project to the full Plan Commission without recommendations.

Rick Ripma called for a vote.

Jay Dorman makes motion to approve **Docket Nos. 06110012 PUD/06110013 ADLS: Cobblestone Commons** with two provisions; that the petitioner will investigate foundation plantings, and put forward alternate color palettes options and subject to the developer having other building elevations and style options at their will.

Sally Shaprio seconded the motion.

Vote was 2/2

Jay Dorman made a motion that **Docket Nos. 06110012 PUD/06110013 ADLS: Cobblestone Commons** be moved forward to the Plan Commission with no recommendation.

Carol Schlieff – seconded the motion.

Vote 4-0

4. Docket No. 07010008 Z: 116th & Guilford Rezone

The applicant seeks to rezone approximately 9.5 acres from I-1/Industrial to the R-1/Residence District Zoning Classification.

The site is located at 1441 S. Guilford.

Filed by the Carmel Dept. of Community Services.

Overview by Mike Hollibaugh, The City gave a presentation at public hearing which was straightforward. If there were any questions, Mike would be happy to answer them at this time.

Angie Conn: It is recommended that this be forwarded to the full Plan Commission with a positive recommendation.

'webteam@heckweb.net'webteam@heckweb.net'

Rick Ripma – opened the meeting for public hearing.

Mr. Bill Wendling, an attorney with Campbell, Kyle, Profitt, representing Duke Energy. With Mr. Wendling was John Schiedler is an attorney with Duke Energy and John Morrison who is a facilities manager with Duke Energy.

Bill Wendling - Duke Energy is interested in discussing the City's decision to rezone this property from its I-1 classification which it has had for 18 – 20 years to the relatively restrictive R-1 classification. Duke does not want to take issue with this, but it has raised some questions with Duke. Duke has an 18,000 sq. ft. facility on that property of about 6 acres and having some experience in development and residential development, it would take a sizeable investment to make that property as productive as it is now in the market value, if you were to demolish the property and then repair the land and build homes.

Between the properties, on about 3 acres is a substation and that facility will stay, it is a necessary part of the production for the electrical service that is provided for part of the City of Carmel.

6 acres are for sale and there is some interest in this property. We have had conversations with

the City and the City has a number of legitimate concerns about the number of things that an I-1 industrial zoning would allow. Mr. Wendling distributed a copy of an addendum to the zoning ordinance that incorporates the uses of various zoning classification and you will see at the industrial section all the uses that can be used by an I-1 classification. Reviewed “yellow” highlighted areas that the City of Carmel would not want to allow and the neighbors would not be happy with, for example, an automobile service station. Duke Energy will voluntarily limit the use of the property, by excluding a number of those uses that we felt the city or the neighbors would not be happy about. It is our hope that we can come to an agreement about this. Mr. Wendling has had conversations with Mike Hollibaugh and John Mollitor .

The facility is one of a kind. The new properties developed in the area, were developed knowing this facility existed, so this is not a surprise. Even if this property were to be sold for a similar purpose, this should not be a burden on the surrounding community and neighbors due to the fact that they are already used to it.

We would like the sub-committee's opinion and see if you have any questions regarding the proposal.

BILL WENDLING – we could do a deed restriction, if that is something that John Mollitor would consider the right for the city to enforce that decision.

Rick Ripma-questioned how is used today .

BILL WENDLING – it was a public service facility for Duke Energy – administrative operation for the district as well as a distribution center for repair trucks and materials were stored there in a back lot. It was well landscaped which helped to conceal building.

Rick Ripma - as you sell this, what do you see as its uses?

BILL WENDLING - this would be appropriate for any business regional office or district office to house administrative operations, but they could have service trucks and storage space, more specifically, you could say what about a cable TV operation? This would include offices and trucks, etc. A Technology center would be appropriate also.

Rick Ripma – asked Mike Hollibaugh why does the department want R1 zoning on this property.

Mike Hollibaugh – the ground was zoned originally R1 back in 1980 then was rezoned to I1 by PSI. The Department feels that R1 is complimentary to area across the street, and then should future use would also start with R1 and that as part of the sale we could discuss classification that would make more sense to the purchaser and that would allow the city to have ultimate influence on how that project turned out.

Rick Ripma took at question from the audience. He requested the gentleman to state his name and address.

Marvin Speigler, 11186 Harvard Lane – I live in the Pulte Town Homes down the street. If this remains an I1 can a buyer in future ask to have this request to have this area rezoned again.

Mike Hollibaugh – yes they could request a rezone.

Marvin Speigler - I am in favor of this. However, in fact, the whole Guilford area is surrounded by commercial and industrial properties. Why should there be an industrial area zoned there at all. It is encroaching the residential property.

Marvin Speigler – indicated that he agrees that DOCS should have the backing to rezone this property

Carol Schleif: how large is the substation, and is it part of the sale?

John Morrison indicated it is a medium size substation, and it is not part of the sale.

BILL WENDLING - showed on a visual where the property was and where the substation is located.

Carol Schleif: what effect would an R1 have on the prospect of a sale?

BILL WENDLING : indicated that developers will not pay as much money if they have to demolish the current building and redo the land. If this was to happen, the owner of the property could take a substantial economic loss. Developers would be in agreement that this would not be conducive to change the property since it is already set up as a best use. We would reduce the ability to use this building to any greater extent than what it has been used for in the past.

Discussions were held regarding landscaping and restrictions that a new buyer would have to abide by there. Every attempt will be made to make sure that developers do not come in with saw and cut down trees, etc.

Mike Hollibaugh – if we can get the kind of control over the property the City will be willing to reconsider the rezone

BILL WENDLING confirmed that Duke will talk with the City first prior to accepting an offer, to discuss use.

Jay Dorman asked what is asking price for this property.

Bill Wendling - indicated the asking price is \$3,000,000 for 16 acres.

Jay Dorman – reviewed items in the ordinance that were not highlighted as being unacceptable. What is the meaning of each of the possible types of use.

The Committee discussed these possible uses and determined that when the prospective buyer was considered, conversations would take place and these issues would be discussed at that time.

Bill Wendling: Duke Energy wants to make this process transparent. They want people to know what is going on. They want to be good citizens and continue their positive relationship with the City of Carmel.

Mike Hollibaugh – will keep the Committee updated on the use of this property.

Rick Ripma – closed the public hearing, and asked to hear a motion to adjourn.

Jay Dorman made the motion to adjourn . Carol Schleif seconded the motion.

Meeting was adjourned at 8:30 p.m.

Respectfully submitted:

Approved:

Lisa M. Stewart

Rick Ripma